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The total number of claims has not changed, and the number of independent claims has not changed. Therefore, no additional claim fee is due at this time.

REMARKS

Applicants' undersigned attorney thanks the Examiner for her comments. Applicants respectfully request reconsideration of this patent application, particularly in view of the above Amendment and the following remarks. Currently, Claims 1-7 and 9-58 are pending, with Claims 4-5, 7, 9-11, 13-14, 20-24, and 28-58 withdrawn from consideration.

Amendment to the Specification

The specification has been amended at line 15 (line 14 in the marked-up version) of the replacement paragraphs for page 3, line 15 – page 4, line 2, to be consistent with the scope of Claim 25.

Amendment to the Claims

Applicants have amended Claims 1 and 25 to correct an inaccuracy. More particularly, Claims 1 and 25 have been amended to recite a barrier layer positioned between at least two of the elastomeric *second* filaments, such that the barrier layer is positioned in at least the low tension zone. Support for this amendment is found at page 27, lines 10-12, of the specification and in Fig. 7.

Information Disclosure Statement

The Examiner indicates that the certification in the Third Information Disclosure Statement filed by Applicants on September 6, 2002, fails to comply with the provisions of 37 CFR 1.97(e).

37 CFR 1.97(a) states that:

(a) In order for an applicant for a patent or for a reissue of a patent to have an information disclosure statement in compliance with §1.98 considered by the Office during the pendency of the application, the information disclosure statement must satisfy one of paragraphs (b), (c), or (d) of this section.

37 CFR 1.97(c) states that:

(c) An information disclosure statement shall be considered by the Office if filed after the period specified in paragraph (b) of this section, provided that the information disclosure statement is filed before the

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mailing date of any of a final action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by one of:

- (1) The statement specified in paragraph (e) of this section; or
- (2) The fee set forth in §1.17(p).

37 CFR 1.97(e) states that:

(e) A statement under this section must state either:

- (1) That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure; or (2)...

The Third Information Disclosure Statement filed by Applicants included the following language:

In accordance with Rule 1.56 and MPEP Section 2001.06(a), the references listed on Form PTO-1449 (*i.e., each item of information contained in the information disclosure statement*), were first cited in the Written Opinion (*i.e., a communication from a foreign patent office*) for the corresponding International Application, PCT/US 01/40730, (*i.e., a counterpart foreign application*) and are hereby brought to the attention of the Examiner as being possibly material to examination of the subject patent application. An English language version of the Written Opinion, Form PCT/IPEA/408 is enclosed. The undersigned states that this disclosure is being made within the three month period required by 37 C.F.R. § 1.97(e) (*i.e., not more than three months prior to the filing of the information disclosure*).

Because the Third Information Disclosure Statement was filed before the mailing date of any of a final action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, and was accompanied by a statement reciting the elements specified in paragraph (e) of this section, namely a statement indicating that each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure, Applicants respectfully submit that the Third Information Disclosure Statement fully complied with the provisions of 37 CFR 1.97, 1.98 and MPEP §609.

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Conclusion

Applicants believe that this case is now in condition for allowance. If the Examiner feels that any issues remain, then Applicants' undersigned attorney would like to discuss the case with the Examiner. The undersigned can be reached at (847) 490-1400.

Respectfully submitted,



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**VERSION WITH MARKINGS TO SHOW CHANGES MADE
IN THE SPECIFICATION:**

At page 3, line 15 – page 4, line 2:

The garment of the invention is manufactured using a targeted elastic material ("TEM") having a targeted elastic zone aligned with the garment opening or openings. The TEM may have a substantially homogeneous appearance, and does not have a separately manufactured elastic band attached to it. Yet the TEM has different elastic properties at different regions, and exhibits greater elastic tension and/or greater elongation in a region aligned with, and in the vicinity of, at least one garment opening. In one embodiment, for example, the TEM may include one or more high tension zones defining a fluid sealing gasket at the garment opening, and one or more low tension zones away from the opening. The high tension zone(s) can include one set of elastomeric filaments while the low tension zone(s) can include a different set of elastomeric filaments. The elastomeric filaments in the high tension zone may have different average filament sizes and/or filament densities than the elastomeric filaments in the low tension zone. In another embodiment, the TEM may include one or more low stretch zones defining a fluid sealing gasket, and one or more [low] high stretch zones away from the gasket. The fluid sealing gasket can interface with a body part during use to resist fluid transfer across the gasket.

The TEM is suitably a laminate including at least one facing layer, or the TEM may have two facing layers. The TEM may also include a barrier film that is liquid impermeable and gas permeable, as a further measure of sealing fluid within the garment while allowing moisture vapor to escape. The barrier film may be positioned between two or more elastomeric filaments.

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE
IN THE CLAIMS:**

1. (Twice Amended) A garment having at least one opening for a body part, the garment comprising:
at least one material defining the opening and extending away from the opening; and
a fluid sealing gasket integral with the material and in the vicinity of the opening;
the material including at least one high tension zone defining the fluid sealing gasket, and at least one low tension zone away from the gasket;
the at least one high tension zone including a plurality of elastomeric first filaments, and the at least one low tension zone including a plurality of elastomeric second filaments, the material further comprising a barrier layer between at least two of the elastomeric [first] second filaments;
wherein the fluid sealing gasket interfaces with the body part during use to resist fluid transfer across the gasket.

25. (Twice Amended) A garment having at least one opening for a body part, the garment comprising:
at least one material defining the opening and extending away from the opening; and
a fluid sealing gasket integral with the material and in the vicinity of the opening;
the material including at least one low stretch zone defining the fluid sealing gasket, and at least one high stretch zone away from the gasket;
the at least one high stretch zone including a plurality of elastomeric first filaments, and the at least one low stretch zone including a plurality of elastomeric second filaments, the material further comprising a barrier layer between at least two of the elastomeric [first] second filaments;

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wherein the fluid sealing gasket interfaces with the body part during use to resist fluid transfer across the gasket.